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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/635,620	08/06/2003	Hans G. Platsch	OST-031113	8456
30981	7590	04/01/2005	EXAMINER	
King & Jovanovic, PLC			TADESSE, YEWEBDAR T	
170 College Avenue			ART UNIT	
SUITE 230			PAPER NUMBER	
HOLLAND, MI 49423			1734	

DATE MAILED: 04/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No. 52

10/635,620

Applicant(s)

PLATSCH, HANS G.

Examiner

Yewebdar T. Tadesse

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 16-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 10, 12-15 and 19-21 is/are rejected.
- 7) ☒ Claim(s) 4-9 and 11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

HC

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election with traverse of group I in the reply filed on 12/27/2004 is acknowledged. The traversal is on the ground(s) that there is overlap with respect to the search. Partially, this is not found persuasive because the inventions of the apparatus and the method are distinct as recited in the restriction requirement (see pages 2-3 paragraph no. 3) because the apparatus can be used to practice a method of coating wherein an air quantity drawn off via the first and second guiding elements each in the form a box is about other than 10 to 40 times (such as 50-100 times) a powder quantity delivered by the nozzle strip. Upon examination the examiner has combined groups II and I because examination of the two combination and subcombination apparatus groups does not present a burden to the examiner. However, group III is maintained as the additional invention drawn to a method of operating a powdering unit and powdering station because of the inventions divergent subject matter and distinctness as described above. Finally, burden is not limited to search where the basis of any patentability of different inventions may differ as in the instant application.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 16-18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 12/27/2004.

Claims 1-15 and the newly added claims 19-21 have been examined as follow.

***Specification***

3. The disclosure is objected to because of the following informalities: on pages 13 and 18 and paragraphs 45 and 68 respectively, applicant recites a range of angle 85-80°. It appears that the range of the angle is a typographic error or typed in reverse order. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 3, 10, 12 and 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Gunschera et al (US 6,085,654).

As to claim 1, Gunschera et al discloses (see Fig 3) a powdering device comprising a nozzle strip (powder nozzles 6.2, see column 8, line 56) which produces a powder gas curtain containing powder particles distributed in a carrier gas stream (a stream of carrier gas carrying entrained powder), which powder gas curtain moves substantially in a curtain plane (a stream of powder dispensed moving towards the target sheet 7), wherein the powder gas curtain moves between two angled guiding elements (upper and lower guiding parts 12' and 13' attached to walls of disposal lines

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6.3, as shown in the drawing the guiding part 13' having angled portion on each side around the opening 13.1') each having a first guiding side arranged at least one of parallel to each other and coplanar, and each having a second guiding side parallel to the powder gas curtain plane (the angled first portions of guiding part 13' arranged on each side of the powder curtain are parallel to each other and coplanar and the second sides of the guiding part 13' is parallel to the powder gas curtain plane).

With respect to claim 3, in Gunschera et al (see Figs 1 and 3) the second side of the guiding part is connected to a carrying side (part of supply line 6.1) perpendicular to the second guiding side (the guiding part 12 attached to wall 6.3) and on which the nozzle strip (6.2) is mounted.

Regarding claim 10, Gunschera et al discloses (see Fig 1) a coplanar extension (shutter 6.5) provided for the first guiding side of the guiding element (walls of disposal line 6.3 with the guiding parts).

As to claim 12, Gunschera et al discloses (see Fig 7) a housing surrounding guiding elements and nozzle strip.

With respect to claims 19-21, Gunschera et al discloses adjustable closure plate 11, induction coil 18 and perforated disk 11' for the guiding parts to adjust the passage of a powder gas flow through the opening 12.1' and 13.1'. Gunschera et al's device is capable of drawing air quantity via the guiding elements each in the form of a box about 10-40 or 20-30 times that of a powder gas quantity delivered by the nozzle strip.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gunschera et al (US 6,085,654) as applied to claim 1 above. Gunschera et al lacks teaching the second guiding sides form an angle differing from 90° relative to the first guiding sides. Actually, it appears the two sides of the guiding part 13' appears to form a 90°, wherein the powdering unit mounted along the horizontal conveying path of sheet. However, the angling of the two sides of the guiding part depends on where the powdering unit is installed along the conveying path of the substrate or sheet. One in the art would shape or angle the guiding element as desired to appropriately install the powdering unit along the conveying path of the substrate. It would have been obvious to one of ordinary skill in the art at the time the invention was made to arrange the

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guiding sides of Gunschera et al forming an angle differing from 90° depending the place where the unit is installed along the conveying path of the substrate.

9. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gunschera et al (US 6,085,654) as applied to claim 1 above, and further in view of Platsch (US 5,964,155). Gunschera et al lacks teaching a powdering station having two powdering units arranged on opposite sides of a conveying plane for a product to be sprayed with a powder and aligned with each other as seen in a conveying direction of a product. Platsch discloses (see Fig 9) a powder application head (30) that is symmetrical to the powder application head 30 to treat both sides of the printed product. It would have been obvious to one of ordinary skill in the art at the time the invention was made to arrange two powdering units on opposite sides of a conveying plane for a product to be sprayed with a powder and align with each other as seen in a conveying direction of a product to equally powder both sides of the printed product as taught by Platsch (see column 3, lines 10-17). As to the guiding sides of the powdering unit cooperating with top and bottom sides of a product, Gunschera et al's device as modified by Platsch is capable of having the first and second guiding sides cooperating with a bottom side of a product are at a greater inclination with respect to a normal of a product-conveying plane (as the coating unit arranged on the rising path of the conveying path of the substrate) than the second guiding side of the powdering unit cooperating with a top side of a product to be sprayed with a powder.

***Allowable Subject Matter***

10. Claims 4-9 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As to claims 4-9, prior art of record does not disclose or suggest a powdering unit comprising, among others, the prismatic wall obtained by the guiding sides and carrying (covering) sides is closed at the ends by end parts to form a box. As to claim 11, prior art of record does not disclose or suggest a powdering unit comprising, among others, a lead-in sloping surface is provided at the end of the first guiding side of a guiding element.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yewebdar T. Tadesse whose telephone number is (571) 272-1238. The examiner can normally be reached on Monday-Friday 8:00 AM-4: 30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*YTT*

YTT

*CA Fiorilla*

**CHRIS FIORILLA**  
**SUPERVISORY PATENT EXAMINER**

*AU 1734*